Claim 35 (new)

35. The composition of claim 34 wherein said aberrant tau protein is P301L. associated with "fronto-temporal dementia with Parkinson's linked to chromosome 17 (FTDP-17)".

Claim 36 (new)

36. The method of claim 23, wherein said living rodent is a rat or mouse.

Claim 37 (new)

37. The method of claim 29, wherein said living rodent is a rat or mouse.

Claim 38 (new)

38. The method of claim 30, wherein said living rodent is a rat or mouse.

REMARKS

Claims 1-22 are cancelled above without prejudice. Applicants reserve the right to pursue any subject matter affected by the foregoing amendments/cancellation in co-pending or later filed continuation or divisional applications. Upon entry of the foregoing amendments, claims 23-38 will be before the Examiner for consideration.

Written Description

Claims 23 and 29 recite a method where a gene is transferred into the brain of a rodent. Claim 30 recited a construct for insertion into a rodent brain. Claims 36-38 specify that the rodent used is a rat or mouse. Applicants assert that the use of the term rodent is implicitly described in the specification and claims as filed. Throughout the specification Applicants discuss that the embodiments of the subject methods, as recited in claim 23 and 29, may be utilized in any non-human animal. Furthermore, the specification specifically describes the use of the subject techniques in rats or mice, see, for example, pages 10 and 14 of the subject application. It is well understood in the art that the term rodent is commonly used to refer to rats and mice. One skilled in the art would reasonable understand, given the use of the terms non-

human animal in conjunction with the terms rats and mice, that the application comprises sufficient explicit and implicit disclosure for the genus rodents. Therefore, Applicants assert that the claims as amended satisfy the written description requirements under 35 USC § 112, paragraph 1.

Drawings

Applicants request that examination proceed based on the drawings as provided. A petition requesting the acceptance of color drawings and/or photographs will follow.

Enablement

Applicants assert that new claims 23-38 are fully enabled by the specification. There is no scientific rationale for why the same phenotypes generated in rats cannot also be produced in mice and other rodents. It cannot be said that analyzing whether the methods of claims 23 and 29 would work in mice requires undue experimentation. Indeed, Applicants now possess data that demonstrates that production of the same phenotypes produced in rats are easily reproducible in mice, in accord with the teachings of the subject application. Applicants are compiling such data, and will be submitting an appropriate declaration to provide such data in the next three weeks.

All grounds for rejection or objection having been addressed and overcome herein, it is respectfully urged that this application is in condition for allowance. Should the Examiner be of the opinion that there remain valid grounds on which any of the claims as herein amended may be rejected, it is respectfully requested that the undersigned be accorded the courtesy of a telephonic interview to address and overcome any such remaining grounds for rejection.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231

on March 17, 2003

Timothy H. Van Dyke, Patent Attorney